

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 23, 1991
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:38 a.m. The meeting was recessed by Mayor O'Connor at 11:52 p.m. to reconvene in Closed Session at 3:00 p.m. in the 12th floor Conference Room on pending litigation.

The meeting was reconvened by Mayor O'Connor at 3:54 p.m. with all Council Members present. Deputy Mayor Filner adjourned the meeting at 7:35 p.m. to convene the Redevelopment Agency Meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (so,rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present

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- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-201: (R-91-1793) CONTINUED TO APRIL 29, 1991

Authorizing the issuance of bonds, approving forms of Bond Indenture, Bond Purchase Contract and Preliminary Official Statement for Community Facilities District No. 1 - Miramar Ranch North.
(Miramar Ranch North Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On September 18, 1990, the City Council approved a settlement agreement between the City and McMillin-BCED regarding development in the Miramar Ranch North Community. One provision of this agreement was the formation of a Mello-Roos Community Facilities District to issue bonds for the purpose of financing major infrastructure needs in that area. Actions were taken on January 8, 1991 to form the District, authorize the levy of special taxes, conduct a vote of qualified voters in the District and declare the necessity to issue bonds. The City Council authorized Paine Webber and Bancroft, Garcia and Lavell to underwrite the bonds. The financing documents required to issue the bonds are:

1. The Bond Indenture, which establishes the terms and conditions for the issuance of bonds.
2. The Bond Purchase Contract among the underwriters and the District.
3. The Preliminary Official Statement.

Approval of the Bond Indenture and Preliminary Official Statement and authorization to execute the Bond Purchase Contract are required so that the District can issue bonds.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E176-180.)

MOTION BY PRATT TO CONTINUE TO APRIL 29, 1991, TO BE HEARD WITH A COMPANION ITEM. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-91-1698) ADOPTED AS RESOLUTION R-277775

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of an approximate 0.898-acre vacant parcel of land which is part of an approximate 5.36-acre property known as a portion of Parcel 2, State Board of Equalization 141-37-46D located in the City of San Diego; and that the public interest, convenience and necessity demand the acquisition of fee interest subject to easements to said property to provide additional access, a parking lot and landscaping for the expansion of the East Clairemont Athletic Area, a neighborhood park project; declaring that an offer to purchase the property has been made to the record owner and the offer rejected; directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property. (See City Manager Report CMR-91-188. Clairemont Mesa Community Area. District-5.)

Aud. Cert. 9100765.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E180-191.)

Hearing began at 5:30 p.m. and halted at 5:31 p.m.

MOTION BY HENDERSON TO ADOPT, ACCEPTING STAFF RECOMMENDATIONS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-310: NOTED AND FILED

Welcoming a group of approximately 25 students from Avocado Elementary School, Spring Valley, accompanied by Mr. Gary Binzer, North Park Lions Club liaison. This group will arrive at approximately 10:30 a.m.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A017-022.)

Note and file; group did not attend.

ITEM-311: WELCOMED

Welcoming a group of approximately 20 students from the Johnson Academic Academy for Space Exploration and Technology, accompanied by Karen Gates, Principal. This group will arrive at approximately 10:30 a.m. (District-4.)

FILE LOCATION: Agenda

ITEM-330:

Two actions relative to the Catalina Boulevard (Catalina Place to Voltaire Street) Underground Utility District:
(Peninsula Community Area. District-2.)

Subitem-A: (R-91-1483) ADOPTED AS RESOLUTION R-277768

Establishing the Catalina Boulevard (Catalina Place to Voltaire Street) Underground Utility District.

Subitem-B: (R-91-1484) ADOPTED AS RESOLUTION R-277769

Authorizing the expenditure of an amount not to exceed \$22,200 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the Catalina Boulevard (Catalina Place to Voltaire Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Catalina Boulevard between Catalina Place and Voltaire Street. This is a scheduled project in the calendar year 1991 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9100677.

FILE LOCATION: STRT K-196

COUNCIL ACTION: (Tape location: A100-190.)

Hearing began at 10:47 a.m. and halted at 10:53 a.m.

Testimony in opposition by Elizabeth Gerasemaff.

MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-331:

Two actions relative to the Clairemont Drive (Galveston Street to Blackfoot Street) Underground Utility District:
(Clairemont Mesa Community Area. District-6.)

Subitem-A: (R-91-1480) ADOPTED AS RESOLUTION R-277770

Establishing the Clairemont Drive (Galveston Street to Blackfoot Street) Underground Utility District.

Subitem-B: (R-91-1481) ADOPTED AS RESOLUTION R-277771

Authorizing the expenditure of an amount not to exceed \$21,200 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the Clairemont Drive (Galveston Street to Blackfoot Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Clairemont Drive between Galveston Street and Blackfoot Street. This is a scheduled project in the calendar year 1991 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead

utilities as the undergrounding work approaches completion.

Aud. Cert. 9100678.

FILE LOCATION: STRT K-195

COUNCIL ACTION: (Tape location: A190-193.)

Hearing began at 10:54 a.m. and halted at 10:55 a.m.

MOTION BY PRATT TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-332: (R-91-1856) ADOPTED AS RESOLUTION R-277772,
GRANTED APPEAL, GRANTED PROJECT

Appeal of Juegos de Juan Tennis Club Homeowners Association, by Voyd H. Beights, from the decision of the Planning Commission in denying Planned Residential Development and Conditional Use Permits 90-0170 (amending old CUP-10-448-PC and PRD-20-207). The amendment to the existing permits would allow continuation of a tennis club and accessory uses to operate on three existing lighted tennis courts. The subject property, an existing 16-unit condominium complex with four (4) lighted tennis courts and 62 parking spaces, is located at 4960 Waring Road at the intersection of Adobe Falls Road and is further described as Lot 1, Juegos de Juan Tennis Club, Map-8393, in Zones R-1-5 and R-1-40, in the Navajo Community Plan area.
(PRD & CUP-90-0170. District-7.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

FILE LOCATION: PERM - CUP-10-448-PC; PRD-20-207

COUNCIL ACTION: (Tape location: A194-B311.)

Hearing began at 10:56 a.m. and halted at 11:41 a.m.

Testimony in favor by Voyd H. Beights and Gary Ritchie.

Testimony in opposition by Matt Peterson, Alan Lieb, David Pare, Peggy Lieb, Keith Keithley, and Bert O'Neil.

MOTION BY McCARTY TO GRANT THE APPEAL, GRANTING THE PROJECT, WITH THE FOLLOWING FINDINGS:

1. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN. THE COMMUNITY PLANNING GROUP BELIEVES THAT KEEPING THIS SITE VIABLE IS IMPORTANT TO THE COMMUNITY. THIS USE HAS BEEN IN EXISTENCE SINCE THE MID-1970'S; IT IS NOT NEW.
2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SAFETY OR GENERAL WELFARE OF PERSONS RESIDING NEARBY THE AREA.
3. TRAFFIC PROBLEMS ARE DUE TO THE FACT THAT THIS IS THE ONLY WAY TO GET TO INTERSTATE 8. THIS TENNIS CLUB IS NOT CAUSING THE TRAFFIC PROBLEMS THERE.
4. ACCORDING TO CITY STAFF, THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

THE FOLLOWING CONDITIONS ARE TO BE ADDED TO THE PERMIT:

1. THE 21 PARKING SPACES FOR THE TENNIS CLUB SHALL BE MARKED AND RESERVED FOR TENNIS CLUB MEMBERS ONLY.
2. THE TENNIS CLUB SHALL NOT BE PERMITTED TO CONDUCT ANY TOURNAMENTS ON SITE.
3. NO RETAIL ACTIVITIES (PRO-SHOP) SHALL BE CONDUCTED ON THE SITE.
4. HOURS OF OPERATION FOR THE TENNIS CLUB SHALL BE RESTRICTED TO 6:00 A.M. TO 10:00 P.M.

Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Behr-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-333: (R-91-1708) ADOPTED AS RESOLUTION R-277773

Declaring the uncompleted construction project, located at 6201 El Cajon Boulevard, to be a public nuisance; authorizing the City Manager to abate such public nuisance in accordance with San Diego Municipal Code Section 13.0301 et seq; authorizing the expenditure of an amount not to exceed \$35,000 from the Nuisance Abatement Superfund No. 81160, for the contractual costs in connection with this abatement.
(See City Manager Report CMR-91-187. District-7.)

Aud. Cert. 9100785.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B311-410.)

Hearing began at 11:44 a.m. and halted at 11:50 a.m.

Testimony in favor by David Latham and Dr. L. W. Roberts.

MOTION BY McCARTY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meeting of January 15, 1991, Item 337, at Attorney Milch's request, for further review by the environmental consultant.)

Request of Carroll Canyon Golf and Recreation Center for Conditional Use / Hillside Review / Resource Protection Overlay Zone Permits, CUP/HRP/RPOZ-87-1104 to develop a 17-acre site with a 275-yard driving range, and a 7,000 square foot clubhouse with a restaurant, golf shop, exercise room and fitness trail. A variance is requested to allow substantial alteration of Carroll Canyon Creek.

The subject property is located on the south side of Carroll Canyon Road immediately to the south of the terminus of Pacific Heights Boulevard and is further described as a portion of Sections 3 and 4, Range 3 West, Township 15 South, in Zone A-1-10, in the Mira Mesa Community Plan area.

(CUP/HRP/RPOZ-87-1104. District-6.)

Subitem-A: (R-91-1857) ADOPTED AS RESOLUTION R-277776

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-1104 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternative findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

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Subitem-B: (R-91-1858) ADOPTED AS RESOLUTION
R-277777, GRANTED PERMIT

Adoption of a Resolution granting or denying the
permits, with appropriate findings to support Council
action.

FILE LOCATION: PERM - CUP/HRP/RPOZ-87-1104

COUNCIL ACTION: (Tape location: A030-086; E449-G263.)

Motion by Filner to continue two weeks for notification as
requested by Opal Trueblood. Second by Hartley. Failed.
Yeas: 1,3,8. Nays: 2,4,5,6,7,M.

Hearing began at 5:48 p.m. and halted at 6:58 p.m.

Testimony in favor by James Milch.

Testimony in opposition by Opal Trueblood, Steve Ezakovich,
and Linda Michael.

MOTION BY HENDERSON TO ADOPT THE STATEMENT OF OVERRIDING
CONSIDERATIONS AND THE VARIOUS FINDINGS AND TO APPROVE THE
PROJECT AS RECOMMENDED BY THE MIRA MESA COMMUNITY PLANNING
GROUP. Second by McCarty. Passed by the following vote:
Wolfsheimer-nay, Roberts-yea, Hartley-nay, Pratt-yea,
Behr-nay, Henderson-yea, McCarty-yea, Filner-nay, Mayor
O'Connor-yea.

ITEM-S500: WELCOMED

Welcoming a group of approximately 25 students from
Avocado Elementary School, Spring Valley, accompanied
by Mr. Gary Binzer, North Park Lions Club liaison.
This group will arrive at approximately 10:30 a.m.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: A022-058.)

ITEM-S501: (R-91-1706) ADOPTED AS RESOLUTION R-277774

Authorizing the President of the Southeast Economic
Development Corporation, or his designee, to execute an

agreement with Schmidt Design, Inc., for design services for the Project First Class Beautification Program (Streetscapes); authorizing the expenditure of an amount not to exceed \$143,402, for the purpose of providing funds for the above agreement.
(See memorandum from SEDC President. District-4.)

Aud. Cert. 9100808.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: B410-415.)

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S502: (R-91-1498) ADOPTED AS RESOLUTION R-277778

(Continued from the meetings of March 26, 1991, Item 334, April 9, 1991, Item 335, and April 16, 1991, Item S501; last continued due to lack of time.)

Revising the Housing Trust Fund Housing Impact Fees by the two percent increase in the building cost Index of the Cost Indices for Twenty Cities published by M.C. McGraw-Hill, Inc.; authorizing the City Engineer to revise the Housing Trust Fund Housing Impact Fees as specified in Ordinance O-17454 (New Series); declaring that the Housing Commission shall issue an informational report to the City Council on the percentage increase or decrease in the fees.
(See Housing Commission Report HCR-91-004CC.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D193-253.)

MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Behr-yea, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S503: CONTINUED TO MAY 20, 1991

(Continued from the meeting of April 16, 1991, Item 331, at Rod Cameron's request, to allow staff to resolve problems.)

1. Request for a North City West Development Plan Permit and Tentative Map (Carmel Valley Neighborhood I, Units 3 and 4 Resubdivision) for the development of 68 two-story, single-family homes on approximately 11.3 acres of a 25.8-acre site. The map will create 68 residential lots and three non-residential lots on approximately 25.8 acres.

The non-residential lots are for a future school, park and open space.

The subject property, a 25.8-acre site, is located on the north side of Carmel Center Road, east of Carmel Creek Road, west of the SDG&E easement, and south of Kerwood Court and is more particularly described as a resubdivision of Final Map 12564 and Parcels 1 and 2 of Parcel Map PM-16001, Carmel Valley Neighborhood 1, Unit 3. The EP (Educational and Park) and SF3

(Single-Family Residential, minimum lot size of 3,000 square feet) zoned site is in the Carmel Valley (formerly North City West) Community Plan area.

2. A proposal to vacate a portion of Camarena Road, McKittrick Way, Montella Way, Goldonna Lane and Ridgetop Court as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative map for Carmel Valley Neighborhood I, Units 3 and 4 Resubdivision (TM-90-0471).

(NCWDPP & TM-90-0471. District-1.)

Subitem-A: (R-91-1524)

Adoption of a Resolution certifying that the information contained in Environmental Revised Final Mitigated Negative Declaration EMND-90-0471 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-91-)

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-91-)

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-D: (R-91-1523)

Adoption of a Resolution authorizing the vacation of a portion of Camarena Road, McKittrick Way, Montella Way, Goldonna Lane and Ridgetop Court as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The vacation of Camarena Road, Goldonna Lane, McKittrick Way, Montella Way, and Ridgetop Court has been initiated by the submission of the tentative map for Carmel Valley Neighborhood I, Units 3 & 4 (TM-90-0471). The subject unimproved paper streets and the adjoining properties to be subdivided are located in the Carmel Valley Community and are situated in the SF-3 Zone. The map itself proposes subdivision of 25.8 acres into 68 single-family residential lots, one lot for park development, and one lot for a school site. Development of the proposed subdivision will be controlled by the related Planned Development Permit, PD-90-0471. The Planning Commission recommended approval of the proposed project on February 7, 1991, by a 4-0 vote. This street vacation proposal results from a request made by the Del Mar Union School District and the Solana Beach School District to the subdivider to relocate the previous school site away from the existing 236 KV electric lines, adjacent to the eastern subdivision boundary. The subdivider complied with the request, which exchanges locations of the residential and park and school sites. The existing unimproved rights-of-way are, therefore, no longer required, since they are located within the future school and park sites. New road alignments for access and circulation will be provided with approval of the final map.

FINDINGS: Staff review has indicated that the vacation is consistent with the General Plan, the community plan, and Council Policy 600-15. The approval of the final map will establish that there will be no present or prospective use and that the vacation will not detrimentally affect the facilities for which the rights-of-way were originally provided. The public will benefit from the resubdivision that provides preferable school and park sites, which requires the vacation. Staff further recommends that the vacation be conditioned upon the approval and recordation of the final map for Carmel Valley Neighborhood I, Units 3 & 4, Resubdivision (TM-90-0471).

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A097-100.)

MOTION BY WOLFSHEIMER TO CONTINUE TO MAY 20, 1991 AT THE CITY MANAGER'S REQUEST FOR AN OPPORTUNITY TO WORK WITH THE DEVELOPER ON A FBA CREDIT REIMBURSEMENT AGREEMENT ON A PARK SITE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Behr-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S504: (R-91-1859) ADOPTED AS RESOLUTION R-277779

(Continued from the meeting April 16, 1991, Item 335, at Councilmember Roberts' request, for further review.)

Request of Michael B. Galasso, President of Metropolis Investment and Development, Inc., for the City Council to clarify its understanding of the Historical Site designation of the Qualitee/Carnation Dairy Building, when it approved the Historical Site designation of the exterior of the building, as Site No. 261, Grade 2, on December 11, 1990. The building is located at 354 Eleventh Avenue.
(District-8.)

Adoption of a Resolution clarifying the City Council's understanding of what the Historical Site Board designation included, when it approved the Historical Site Board's designation of the exterior of the building at 354 Eleventh Avenue as Site No. 261, Grade 2, on December 11, 1990.

FILE LOCATION: GEN'L - HISTORICAL SITE BOARD, APPEALS, AND DECISIONS, ETC., Qualitee/Carnation Dairy Building

COUNCIL ACTION: (Tape location: G268-H215.)

Hearing began at 6:59 p.m. and halted at 7:35 p.m.

Testimony in favor by Michael Galasso and Steve Breskin.

Testimony in opposition by Wayne Buss, David Swarens, Marina Hennighausen.

Motion by Roberts to continue the item for one month to allow time to submit a proposal. Second by Henderson. Failed. Yeas: 2,5,6,7. Nays: 1,3,4,8. Not present: M.

MOTION BY WOLFSHEIMER TO ADOPT A RESOLUTION DESIGNATING THE SITE ACCORDING TO THE HISTORICAL SITE BOARD'S RECOMMENDATION. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-S505: (R-91-2086) ADOPTED AS RESOLUTION R-278336

In the matter of the Settlement Agreement between McMillin-BCED/Miramar Ranch North and the City of San Diego.

FILE LOCATION: DEVL - McMillin-BCED/Miramar Ranch North

COUNCIL ACTION: (Tape location: C098-E175; E258-414.)

Motion by Henderson to bring back for consideration on April 29, 1991, possible amendments to the settlement agreement incorporating two proposals namely that there would be gated communities but no development on the knoll; or in the alternative, that there would be no gated communities and four units on the knoll with reduced grading and access on the one story. Direct the Clerk to set a Special Order of Business on April 29, 1991, to consider these issues. Second by Behr. No vote.

SUBSTITUTE MOTION BY ROBERTS TO APPROVE ALTERNATIVE PLAN E ELIMINATING THE GATED COMMUNITY AS RECOMMENDED BY THE PLANNING DEPARTMENT AND TO INCLUDE THE RECOMMENDATION OF ASSISTANT CITY ATTORNEY FITZPATRICK THAT THE COUNCIL DIRECT THE CITY ATTORNEY TO PREPARE DOCUMENTS FOR COUNCIL CONSIDERATION ON APRIL 29, 1991, AND TO DIRECT THE CITY CLERK TO NOTICE THE ITEM AS A SPECIAL ORDER OF BUSINESS FOR RECONSIDERATION SO THAT THE MAP PROCESS CAN BE AMENDED ACCORDINGLY. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Filner at
7:35 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H215).